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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,034	07/03/2003	Fumihiko Ikegami	239806US2SRD	5850
22850	7590	05/16/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PHUONG, DAI	
			ART UNIT	PAPER NUMBER
			2685	
DATE MAILED: 05/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,034

Applicant(s)

IKEGAMI ET AL.

Examiner

Dai A Phuong

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07/03/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9 and 12-20 rejected under 35 U.S.C. 102(e) as being anticipated by Shinohara (Pub. No: 2002/0137526).

Regarding claim 1, Shinohara discloses a radio terminal corresponding to a first radio terminal 1 associated with a second radio terminal 8 ([0032]), comprising: a first receiving unit 8 configured to receive a first request issued from the second radio terminal 1 ([0038]); an establishing unit configured to establish, in response to the first request, a radio link with respect to the second radio terminal ([0039]); a setting unit configured to set, on the radio link, a connection with the second radio terminal ([0039] to [0042]); a detecting unit configured to detect an event in association with the second radio terminal ([0037]); and a first transmitting unit configured to transmit ([0039]), to the second radio terminal via the connection, a first request message representing that first service information concerning the second radio terminal should be transmitted to the first radio terminal, when the detecting unit detects the event ([0037]).

Regarding claim 2, Shinohara discloses all the limitation in claim 1. Further, Shinohara discloses the radio terminal wherein the detecting unit detects the event representing that the radio link is established ([0037] to [0038]).

Regarding claim 3, Shinohara discloses all the limitation in claim 2. Further, Shinohara discloses the radio terminal further comprising a second transmitting unit configured to transmit a second request, wherein the establishing unit establishes the radio link in response to one of the first request and the second request ([0039] to [0042]).

Regarding claim 4, Shinohara discloses all the limitation in claim 2. Further, Shinohara discloses the radio terminal wherein the establishing unit establishes the radio link for any purpose ([0028]).

Regarding claim 5, Shinohara discloses all the limitation in claim 1. Further, Shinohara discloses the radio terminal further comprising a second receiving unit 1 configured to receive ([0040]), from the second radio terminal via the connection, a second request message representing that second service information concerning the first radio terminal should be transmitted to the second radio terminal, wherein the event represents that the second receiving unit receives the second request message ([0040]).

Regarding claim 6, Shinohara discloses all the limitation in claim 5. Further, Shinohara discloses the radio terminal further comprising a second transmitting unit configured to transmit the second service information when the second receiving unit receives the second request message ([0041]).

Regarding claim 7, Shinohara discloses all the limitation in claim 1. Further, Shinohara discloses the radio terminal further comprising a second receiving unit configured to receive, from the second radio terminal ([0040]), a connection request message for requesting the first radio terminal to set the connection, wherein the event represents one of that the connection is set and that the second receiving unit receives the connection request message ([0040]).

Regarding claim 8, Shinohara discloses all the limitation in claim 1. Further, Shinohara discloses the radio terminal wherein the first transmitting unit transmits the first request message if the first radio terminal unpossesses information corresponding to the first service information ([0037] to [0038]).

Regarding claim 9, Shinohara discloses all the limitation in claim 8. Further, Shinohara discloses the radio terminal wherein the first transmitting unit transmits the first request message if the first radio terminal needs the first service information ([0037] to [0038]).

Regarding claim 12, Shinohara discloses all the limitation in claim 1. Further, Shinohara discloses the radio terminal wherein the first transmitting unit transmits the first request message contained information indicative of a type of service, the type of service representing that the first service information should be transmitted ([0037]).

Regarding claim 13, Shinohara discloses a communication control method of setting a connection on a radio link between a first radio terminal and a second radio terminal, the communication control method comprising: detecting an event in association with the second radio terminal ([0037]); transmitting, to the second radio terminal via the connection, a first request message representing that first service information concerning the second radio terminal

should be transmitted to the first radio terminal, when the event is detected ([0037] to [0038]); and receiving the first service information ([0039])

Regarding claim 14, Shinohara discloses all the limitation in claim 13. Further, Shinohara discloses the communication control method wherein detecting the event includes detecting the event representing that the radio link is established ([0037] to [0038]).

Regarding claim 15, Shinohara discloses all the limitation in claim 13. Further, Shinohara discloses the communication control method further comprising receiving, from the second radio terminal via the connection, a second request message representing that second service information concerning the first radio terminal should be transmitted to the second radio terminal, wherein the event represents that the second request message is received ([0040] to [0042]).

Regarding claim 16, Shinohara discloses all the limitation in claim 13. Further, Shinohara discloses the communication control method further comprising receiving, from the second radio terminal, a connection request message for requesting the radio terminal to set the connection, wherein the event represents one of that the connection is set and that the connection request message is received ([0040] to [0042]).

Regarding claim 17, Shinohara discloses a computer program stored in a computer readable medium provided in a first radio terminal associated with a second radio terminal, the computer program comprising: first receiving means for instructing a computer to receive a first request issued from the second radio terminal ([0033] and [0037] to [0042]); first transmitting means for instructing a computer to transmit a second request; means for instructing a computer

to establish, in response to one of the first request and the second request, a radio link with respect to the second radio terminal ([0033] and [0037] to [0042]); means for instructing a computer to set, on the radio link, a connection with the second radio terminal ([0033] and [0037] to [0042]); means for instructing a computer to detect an event in association with the second radio terminal ([0033] and [0037] to [0042]); and second transmitting means for instructing a computer to transmit, to the second radio terminal via the connection, a first request message representing that first service information concerning the second radio terminal should be transmitted to the first radio terminal, when the detecting means detects the event ([0033] and [0037] to [0042]).

Regarding claim 18, Shinohara discloses all the limitation in claim 17. Further, Shinohara discloses the computer program wherein the detecting means detects the event representing that the radio link is established ([0033] and [0037] to [0042]).

Regarding claim 19, Shinohara discloses all the limitation in claim 17. Further, Shinohara discloses the computer program further comprising second receiving means for instructing a computer to receive, from the second radio terminal via the connection, a second request message representing that second service information concerning the first radio terminal should be transmitted to the second radio terminal, wherein the event represents that the second receiving means receives the second request message ([0033] and [0037] to [0042]).

Regarding claim 20, Shinohara discloses all the limitation in claim 13. Further, Shinohara discloses the computer program further comprising second receiving means for instructing a computer to receive, from the second radio terminal, a connection request message for requesting

the first radio terminal to set the connection, wherein the event represents one of that the connection is set and that the second receiving unit receives the connection request message ([0033] and [0037] to [0042]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shinohara (Pub. No: 2002/0137526) in view of Shiraga (Pub. No: 2004/0209627).

Regarding claim 11, Shinohara discloses all the limitation in claim 1. But, Shinohara does not disclose the radio terminal wherein the first transmitting unit transmits the first request message representing that the first service information contained a server channel number for setting the connection by which the first radio terminal acquires a service.

In the same field of endeavor, Shiraga discloses the radio terminal wherein the first transmitting unit transmits the first request message representing that the first service information contained a server channel number for setting the connection by which the first radio terminal acquires a service ([0044]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile telephone of Shinohara by specifically including the first transmitting unit transmits the first request message representing that the first service

information contained a server channel number for setting the connection by which the first radio terminal acquires a service, as taught by Shirage, the motivation being in order to communicate with other through the received specific communication channel.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

Claim 10 is objected to as being dependent upon a rejected base claim 8, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reason for the indication of allowance: the prior art made of record and considered pertinent to the applicant's disclosure does not disclose nor fairly suggest the radio terminal wherein **the first service information contains information indicative of a period of validity, and the first transmitting unit transmits the first request message if the period of validity is expired.**

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Macor (Pub. No: 20030023694) portable electronic mail message device

Inutsuka (U.S. 5867796) announcing reception of an incoming call

Keller et al. (Pub. No: 20020081992) accessing a cellular network

Kanesaka et al. (U.S. 6825830) executing information processing

Chen (Pub. No: 2002005570) wireless transmission

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Kim (Pub. No: 20020065045) information sharing between cellular and local network

Lipsanen et al. (Pub. No: 20040242203) obtaining data information


Tanaka et al. (Pub. No: 20020108038) mobile unit authentication

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 703-605-4373. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2685
Date: 05-12-2005



W. R. YOUNG
PRIMARY EXAMINER